



CITY OF LEON VALLEY
BOARD OF ADJUSTMENT COMMITTEE (BOA)
Leon Valley City Hall - Council Chamber
6400 El Verde Road, Leon Valley, Texas 78238
Wednesday, February 13, 2019 at 6:00 p.m.

MINUTES

The Board of Adjustment Committee met on the 13th day of February, 2019 at the Leon Valley City Hall Council Chamber located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

1. Call to Order and Determine if Quorum is Present.

The meeting was called to order by Chair Steven Mouser at 6:18 p.m. on February 13, 2019. A quorum was declared to be in attendance. Those members in attendance were: Phillip Riddle, Steven Mouser, Lyn Joseph, Vivian Pankey, Albert Alcocer and Megan Hill.

Also in attendance were:

City Attorney Denise Frederick, City Manager Kelly Kuenstler, Planning & Zoning Director Brandon Melland, Permit Technician Ana Federico and Dr. Daniel Earl, Affordable Pet Care.

2. Approval of December 17, 2018 Board of Adjustment Minutes. (Steven Mouser, Chair)

A motion was made by 2nd Vice Chair Lyn Joseph and seconded by Chair Steven Mouser. Upon a unanimous vote, Planning & Zoning Director Brandon Melland announced the motioned carried.

3. Planning & Zoning Director Brandon Melland asked the board if item 3 and 4 from the agenda may be switched. Chair Steven Mouser accepted and switched the order for item 3 and 4

NEW HEARINGS

a. 2018-230 (Appeal) – Consider a request by Daniel Earl, for an appeal of Chapter 15, Appendix C, II, H, 2, a, i, regarding the requirement for tri-partite architecture, at 6703 Poss Road, generally located at the north east corner of the intersection of Poss and Grissom Roads. (Planning & Zoning Director, Brandon Melland)

Planning & Zoning Director Brandon Melland introduced item by presentation.

City Manager Kelly Kuenstler spoke regarding the request.

Dr. Daniel Earl introduced his presentation to appeal the Tri-partite Architectural Requirement.

Chair Steven Mouser opened the public hearing at 7:11 p.m. There were no speakers. Chair Steven Mouser closed the public hearing at 7:11 p.m.

A motion was made by 2nd Vice Chair Lyn Joseph to approve the appeal 2018-230. The motion was seconded by Board Member Vivian Pankey.

Planning & Zoning Director Brandon Melland then called for a call vote to which the Board of Adjustment Committee replied: Board Member Albert Alcocer – Aye; 2nd Vice Chair Lyn Joseph – Aye; Vice Chair Phillip Riddle – Abstained; Chair Steven Mouser – Aye; and Board Member Vivian Pankey – Aye.

The Board of Adjustment Committee voted four (4) for, and one (1) abstention. Planning & Zoning Director Brandon Melland announced the appeal passed.

b. 2018-230 (Variance) – Consider a request by Daniel Earl, for a variance to Chapter 15, Appendix C, II, E, 2, regarding cross access between non-residential lots; and a variance to Chapter 15, Appendix C, II, H, 3, c, vi, regarding minimum window and glazing requirements on building facades, at 6703 Poss Road, generally located at the north east corner of the intersection of Poss and Grissom Roads.

Dr. Daniel Earl continued his presentation for the Variance.

Chair Steven Mouser opened the public hearing at 8:00 p.m. There were no speakers. Chair Steven Mouser closed the public hearing at 8:00 p.m.

City Attorney Denise Frederick announced that one Board Member asked to go into Closed Executive Session to obtain a legal opinion and be able to make a decision on the variance.

Chair Steven Mouser adjourned public meeting and the Board of Adjustment Committee went into closed session at 8:01 p.m.

Chair Steven Mouser reconvened the public meeting at 8:35 p.m.

A motion was made by Chair Steven Mouser to deny variance **Chapter 15, Appendix C, II, E, 2,- Cross Access: All non-residential lots must provide cross access to adjoining non-residential lots.** The motion was seconded by 2nd Vice Chair Lyn Joseph. The disapproval was based on findings that there are no similar variances nearby, the variance would have an adverse effect and reasonable use can be made of the property without this variance.

Planning & Zoning Director Brandon Melland then called for a call vote to which the Board of Adjustment Committee replied: Board Member Albert Alcocer – Aye; 2nd Vice Chair Lyn Joseph – Aye; Vice Chair Phillip Riddle – Abstain; Chair Steven Mouser – Aye; and Board Member Vivian Pankey – Aye.

The Board of Adjustment Committee voted four (4) for, and one (1) Abstention. Planning & Zoning Director Brandon Melland announced the variance denied.

A motion was made by Board Member Vivian Pankey to approve variance **Chapter 15, Appendix C, II, H, 3, c, vi-Windows and glazing shall be limited to a minimum of thirty-percent (30%) and a maximum of seventy-percent (70%) of each building elevation facing major street, major access drive, or side yard greater than 10 feet.** Planning & Zoning Director Brandon Melland advised the Board that the motion be conditioned upon the building facades being constructed according to the elevations presented. The motion was seconded by Board Member Albert Alcocer.

Planning & Zoning Director Brandon Melland then called for a call vote to which the Board of Adjustment Committee replied: Board Member Albert Alcocer – Aye; 2nd Vice Chair Lyn Joseph – Aye; Vice Chair Phillip Riddle – Abstained; Chair Steven Mouser – Aye; and Board Member Vivian Pankey – Aye.

The Board of Adjustment Committee voted four (4) for, and one (1) abstention. Planning & Zoning Director Brandon Melland announced the variance passed.

4. The City of Leon Valley Board of Adjustment shall meet in Executive Session to discuss the following: Under the Texas Local Government Code §551.071 Consultation with Attorney to seek advice regarding Stepstone Credit, LLC vs. Board of Adjustment for the City of Leon Valley. Chair Steven Mouser closed the public meeting and went into closed session at 8:52 p.m.


Chair Steven Mouser reconvened the public meeting at 9:25 p.m.

5. **Adjournment.**

Chair Steven Mouser announced the meeting adjourned at 9:25 p.m.

These minutes approved by the Board of Adjustment Committee on Thursday, April 18, 2019.

ATTEST:



BRANDON MELLAND, AICP, CNU-A
PLANNING & ZONING DIRECTOR

APPROVED

 4/18/19

STEVEN MOUSER
CHAIR